

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Pastor Benjamin A. Johnson, Dr. Ronald
A. Lundeen, Larry D. Cartford and Pastor
Arthur F. Haimerl, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

The Evangelical Lutheran Church in
America, et al.,

Defendants.

Court File No. 11-cv-00023 (MJD/LIB)

**ORDER
APPOINTING INTERIM
CLASS CO-LEAD & LIAISON
COUNSEL**

1. Pursuant to Federal Rule of Civil Procedure 23(g)(3) and recognizing that Defendants reserve the right to contest the suitability of the action to precede as a class action, the Court designates Vincent J. Esades of Heins Mills & Olson, P.L.C. and Daniel R. Karon of Goldman Scarlato & Karon, P.C. to act on behalf of all members of the class as Plaintiffs' Interim Class Co-Lead Counsel with responsibilities hereinafter described.

2. Plaintiffs' Interim Class Co-Lead Counsel shall have the following responsibilities:

- a. To organize and supervise the efforts of plaintiffs' counsel in a manner to assure that the pretrial and trial preparation for the plaintiffs is conducted effectively, efficiently, expeditiously, and economically;
- b. To delegate work responsibilities and monitor the activities of plaintiffs' counsel to assure that schedules are met and unnecessary expenditures of time and expense are avoided;

- c. To speak on behalf of plaintiffs at all Court conferences;
- d. To initiate and conduct discussions and negotiations with counsel for defendants on all matters, including settlement;
- e. To determine the position of the plaintiffs on all matters arising during the litigation (after such consultations with other co-counsel as appropriate) and present such position orally and/or in writing to the Court and opposing parties;
- f. To consult with and employ experts, as necessary, for plaintiffs;
- g. To coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of the Federal Rules of Civil Procedure, including the preparation of interrogatories and requests for production of documents, the organization and review of documents produced by defendants and non-parties, and the examination of witnesses via deposition;
- h. To maintain and make available to all counsel and the Court, an up-to-date service list;
- i. To receive and to initiate communications with the Court and the Clerk of Court, including receiving orders, notices, correspondence and telephone calls;
- j. To be the primary contact for all communications between plaintiffs and defendants;
- k. To perform such other duties as are necessary in connection with the prosecution of this litigation;
- l. To coordinate the preparation and presentation of all of plaintiffs' claims and coordinate all proceedings;
- m. To apportion any attorneys' fees awarded by the Court among plaintiffs' counsel;
- n. To encourage full cooperation and efficiency among all plaintiffs' counsel;

- o. To maintain a common cost fund to pay for common expenses in the litigation and to assess plaintiffs' counsel for the costs of the litigation; and
- p. To keep contemporaneous records of all plaintiffs' counsel time and expenses devoted to this matter reflecting the date of the legal service rendered, the nature of the service, and the number of hours billed.

3. The Court further designates Vincent J. Esades of Heins Mills & Olson, P.L.C. to act on behalf of all members of the class as Plaintiffs' Interim Class Liaison Counsel with responsibilities hereinafter described.

4. Plaintiffs' Interim Class Liaison Counsel shall have the following duties:
- a. To receive orders, notices, correspondence, and telephone calls from the Court and the Clerk of the Court on plaintiffs' behalf;
 - b. To prepare and transmit copies of such orders and notices on plaintiffs' behalf;
 - c. To receive orders and notices from the Judicial Panel on Multidistrict Litigation;
 - d. To maintain complete files with copies of all documents served upon them and shall make such files available to all plaintiffs' counsel;
 - e. To maintain and make available to all counsel and the Court an up-to-date service list; and
 - f. To coordinate with plaintiffs' lead counsel in all matters relating to communication with the Court, including oral arguments and hearings before the Court.

5. All work performed by non-Lead Counsel in this class action must be authorized by Plaintiffs' Interim Class Co-Lead Counsel.

6. No motion shall be initiated or filed on behalf of any class plaintiff except through Plaintiffs' Interim Class Co-Lead Counsel.

7. Plaintiffs' Interim Class Co-Lead Counsel shall have sole authority to communicate with defendants' counsel and the Court on behalf of all class plaintiffs, unless that authority is expressly delegated to other counsel. No plaintiffs' counsel, other than lead counsel, appearing in this case may compromise or settle any claims made on behalf of the class in this case. Defendants' counsel may rely on all agreements made with Plaintiffs' Interim Class Co-Lead Counsel, and such agreements shall be binding on all other class plaintiffs in their respective cases.

Dated: March 16, 2011

ENTERED:

s/ Michael J. Davis
Honorable Michael J. Davis
United States District Judge